
Pre-requisites of a Mujtahid mutlaq Imam. Any Mujtahids nowadays?

taken from askimam (Mufti Ebrahim Desai)

There are many conditions and prerequisites of a **Mujtahid Mutlaq**:

1. It is necessary to have knowledge of the Qur'aan
2. Knowledge of the practice and Sunnah of Rasulullah (Sallallaahu Alayhi Wasallam)
3. Knowledge of the sayings of the past Ulama in their consensus and differences
4. Knowledge of language
5. Knowledge of Qiyaas, i.e. the method of deriving a law from the Qur'aan or Hadith if the law is not expressly in the Qur'aan, Sunnah or Ijmaa (consensus of Ulama).
6. It will also be necessary to know the different aspects of the Qur'aan and Hadith, Naasikh (abrogating verses), Mansookh (abrogated verse), Mujmal (unclear), Mufassir (explained) Khaas (specific), Aam (general), Muhkam (firm).
7. A Mujtahid must recognize from the Sunnah, Sahih, Dhaeef, Musnad, Mursal. He must know the sequence of Hadith upon the Qur'aan and vice versa so that if any Hadith apparently looks contrary to the Qur'aan, he can find a solution to it. He must know the sayings and Fatwas of the Sahaaba and Ulama in laws so that he doesn't go contrary to them and breaks consensus.

If a person understands all of this, only then will he be a Mujtahid. If he does not understand every one of these, he must follow a Mujtahid.

and Allah Ta'ala Knows Best

Mufti Ebrahim Desai

Are there any Mujtahids nowadays?

There is a stark difference between the rulings of The A'imma-e-Mujtahideen and a fatwa.

The A'imma--e-Mujtahideen i.e. Imam Abu Hanifa, Imam Shaafi, Imam Ahmad ibn Hambal, and Imam Maalik (Rahmatullaahi Alaihim) were all Mujtahids. Their knowledge in the tafsir of the Noble Qur'aan and Ahaadith of Rasulullah (Sallallaahu Alayhi Wasallam) was so vast that they had the ability to independently arrive at a decision on any one issue. Hence the differences of opinion among the Imams are differences stemming from Mujtahideen and their different Principles of Ijtihaad.

On the other hand, the Ulama of Azhar, Deoband, etc. are not Mujtahideen. They are very far away from the shores of Ijtihaad.

Jalaaluddeen Suyuti (Rahmatullaahi Alaihi), a great and renowned scholar who has contributed in almost every field, viz. Tafseer, Hadith, Usul (Principles of) Tafseer, Usul-ul-Hadith (Principles of Hadith), Fiqh, Principles of Fiqh, etc. was not accepted as a Mujtahid by his contemporaries.

The Úlama of today do not qualify to be Mujtahids, hence they are followers of their respective Imams. Their differences of opinion do not stem from differences of opinion in the 'Principles of Ijtihaad'. They are rightly Muqallideen (followers) of their respective Imams. The differences of opinion may be categorised as:

- i) following a different Mazhab; or
- ii) following the same Mazhab, with variational differences, e.g. misinterpretation of the Imam's view.

In the first case the difference among the Úlama is in fact the difference of opinion among the A'Imma--e-Mujtahideen and, therefore unobjectionable. Every individual should follow the opinion of the Imam he follows. In the second case if the differences are due to misinterpretation or ignorance of the Imam's principles or opinion then it will be objectionable. Such views cannot be tolerated as the views of the different Imams. The views of the different Imams stem from their Ijtihaad whereas the views of the Úlama ought to stem from the principles set out by their Imams. Therefore the differences among the Úlama are very far from the differences of the Imams.

Reverting to your first question, the Úlama of Azhar are not Mujtahideen, and as a result they are not in a position to be Imams. Furthermore, a non-Aalim may follow a learned Muqallid of his Mazhab as a guide in order to make proper Taqleed of his respective Imam. When following a learned Muqallid, it is important to know his source of knowledge. It should be noted that the source of education has an influence on an individual's future and direction in life. The Aalim must also be firmly adhering to and practising on the Noble Qurán and the Sunnah of Rasulullah (Sallallaahu Álayhi Wasallam) i.e. The Shariáh. One should avoid following the Azhari Ulama in the belief of making their Taqleed.

And Allah Ta'ala Knows Best

Mufti Ebrahim Desai
